



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

CERTIFIED MAIL

March 17, 2016

Mr. Daniel Leone
Exchange Monitor Publications
1911 Fort Meyer Drive, Suite 310
Arlington, Virginia 22209

Dear Mr. Leone:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2016-00616)

This letter is in reference to the electronic Freedom of Information Act (FOIA) request you submitted to the U.S. Department of Energy (DOE), Headquarters (HQ) FOIA Office on February 24, 2016. On March 8, 2016, we received notification from HQ that a portion of your request was being transferred to this office to conduct a search and provide a response determination. Specifically, you requested a copy of the document "DOE Program Weekly Report, Richland Operations Office, June 25, 2016."

A copy of the requested document is enclosed with deletions pursuant to Exemption 5 of the FOIA. Exemption 5 shields from mandatory disclosure documents which are "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency," categorized under Title 5, *United States Code* (USC), Section 552(b)(5); Title 10, *Code of Federal Regulations* (CFR), Section 1004.10(b)(5). There are three traditional privileges that fall under this definition of exclusion: 1) The attorney-client privilege; 2) the attorney work-product privilege; and 3) the executive "deliberative process" or "pre-decisional" privilege. In this case, we are invoking the deliberative process privilege.

The deliberative process privilege permits the government to withhold documents that reflect advisory opinions, recommendations, and deliberations comprising part of the process by which government formulates decisions and policies. The purpose of the deliberative process privilege is to promote high-quality agency decisions by fostering frank and independent discussion among individuals involved in the decision-making process. To qualify under the deliberative process privilege, the information must be both pre-decisional and deliberative. Information is pre-decisional if it is prepared or gathered in order to assist an agency decision maker in arriving at a decision. Pre-decisional information is also deliberative if it reflects the give-and-take of the consultative process so that disclosure would reveal the thought process of the writer.

This document is used as an internal vehicle to communicate preliminary schedules, events, activities, etc., between the DOE, Richland Operations Office (RL) and HQ staff. This document is the only version created; however, it does not reflect a final version. In addition, the redacted portions do not represent a final agency position and their release would compromise the deliberative process by which the government makes its decisions.

With respect to the discretionary disclosure of deliberative information, the quality of agency decisions would be adversely affected if candid, written discussions were inhibited by the knowledge that the content of such discussion might be made public. For this reason, we have determined that disclosure of the deliberative material is not in the public interest because foreseeable harm could result from such disclosure.

This satisfies the standard set forth by the U.S. Attorney General in memorandum dated March 19, 2009. That standard states that when a FOIA request is denied, agencies will be defended and justified in not releasing the material on a discretionary basis "only if (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law." The Attorney General's memorandum also provided that whenever full disclosure of a record is not possible, agencies "must consider whether they can make a partial disclosure." Thus, we have determined that a partial disclosure is proper in this instance.

All releasable information in the documents has been segregated and is being provided to you. The undersigned individual is responsible for this determination. You have the right to appeal to the Office of Hearings and Appeals, as provided in 10 CFR 1004.8, for our determination. Your appeal shall be filed within 30 days after receipt of this letter. You may submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. Alternatively, any such appeal may be made in writing to the following address: Director, Office of Hearings and Appeals (HG-1), U.S. Department of Energy, L'Enfant Plaza Building, 1000 Independence Avenue SW, Washington, D.C. 20585-1615. Should you choose to appeal, please provide this office with a copy of your e-mail or letter.

Should you have any questions regarding this matter, please contact me on (509) 376-6288.

Sincerely,

-Original signed by -

Dorothy Riehle
Freedom of Information Act Officer
Office of Communications
and External Affairs

OCE:DCR

Enclosure

**DOE PROGRAM WEEKLY REPORT
RICHLAND OPERATIONS OFFICE**

Submitted: June 25, 2015

Week of: June 29, 2015

Direct Message to the Secretary

Response to S1 Feedback

Announcements – Program Priorities

Items of Note

- **On June 17-18, 2015, Plutonium Finishing Plant (PFP)** (b)(5) (b)(5) the External/Independent Technical Review of the PFP (b)(5) (b)(5) was held. Contractor (b)(5) DOE Richland Operations Office and DOE EM-42, and Defense Nuclear Facilities Safety Board staff (and Site Representative) attended the review. Results from this review (b)(5) (b)(5)
- **On June 22-25, 2015, Independent Project Review (IPR): DOE EM-50 will conduct an IPR of the proposed** (b)(5) (b)(5) This review will focus on (b)(5) (b)(5) This review will (b)(5) (b)(5) (b)(5) informed opinion (b)(5) (b)(5) the Richland Operations Office Manager (RL). The Team will (b)(5) on the afternoon of June 25, 2015, and (b)(5) will be invited to attend. (b)(5)
- **On June 30, 2015, Mike Nartker, contractor to DOE, Environmental Management Office of External Affairs, will visit the Richland Operations Office (RL), including a tour of several RL projects.** (b)(5)

Climate Action Plan (CAP)

Jobs and Skills Training

Principal Schedule

- **On June 29, 2015, Richland Operations Office Deputy Manager Doug Shoop will discuss the** (b)(5) (b)(5)

- On July 7, 2015, Richland Operations Office Deputy Manager Doug Shoop will discuss the (b)(5)
(b)(5)

30-60day Look-Ahead

- DOE will issue a draft (b)(5)
(b)(5)
Hanford. The (b)(5) will be announced in (b)(5)
(b)(5) Federal Register (b)(5)
(b)(5)
(b)(5) will be held. (b)(5)

- On June 30-August 28, 2015, Public Comment Period on the (b)(5)
(b)(5) The U.S. Department of Energy (DOE) is holding a 60-day comment period on the proposed (b)(5)
(b)(5)
(b)(5) Hanford (b)(5)
(b)(5) (DOE), (b)(5) This will be followed by a separate (b)(5)
(b)(5) August 5, 2015. (b)(5)

- On July 6, 2015, The Richland Operations Office (RL), Washington State Department of Ecology (Ecology) and U.S. Environmental Protection Agency—the Tri-Party Agreement (TPA) agencies—are proposing (b)(5) These proposed (b)(5) Hanford Site (b)(5)
on proposed (b)(5)
2015. (b)(5) August 11, 2015, in Richland, Washington.
(b)(5)

- On July 7, 2015, to July 9, 2015, Richland Operations Office and contractor personnel will be attending the TRU Waste Corporate Board Meeting in Albuquerque, New Mexico at the National Training Center. (b)(5)

- On July 9, 2015, the Richland Operations Office (RL) will host a tour for the (b)(5)
(b)(5) Briefings include the (b)(5)
(b)(5) and the (b)(5)

- On August 11, 2015, the Hanford Advisory Board's River and Plateau Committee, are scheduled to meet, topics include: (b)(5)
(b)(5) and formulation of a letter (b)(5)
(b)(5) (b)(5)

- On August 12, 2015, the Hanford Advisory Board's Executive Issues Committee, are scheduled to meet, topics include: developing (b)(5) (b)(5) and review of fiscal year 2016 (b)(5) (b)(5)
- On August 24, 2015, to August 27, 2015, DOE-HQ will (b)(5) (b)(5) at the Richland Operations Office. (b)(5)
- On August 27, 2015, the Richland Operations Office Manager Stacy Charboneau and the Office of River Protection (ORP) Manager Kevin Smith will (b)(5) (b)(5) discussion with (b)(5)
- On September 1-3, 2015, the Environmental Management Site Specific Advisory Board chairs' fall meeting will be held in Santa Fe, New Mexico. An agenda is being formulated. (b)(5)